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Attorney's Docket 029996-0278721

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEIn re PATENT APPLICATION of:
TIMOTHY KIEFFER, ET AL.

Confirmation No: 1113

Application No.: 09/804,409

Group Art Unit: 1633

Filed: March 12, 2001

Examiner: Kelly, Robert M.

Title: COMPOSITIONS AND METHODS FOR REGULATED PROTEIN EXPRESSION
IN GUT**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450****CERTIFICATION OF FACSIMILE TRANSMISSION
UNDER 37 C.F.R. §1.8**I hereby certify that the following papers are being facsimile transmitted
to the Patent and Trademark Office at (571) 273-8300 on the date shown below:

- (1) Change of Correspondence Address;
- (2) Copy of Notice of Non-Complaint Amendment dated June 30, 2006;
- (3) Response to Notice of Non-Complaint Amendment (37 C.F.R. 1.121);
- (4) Declaration under 37 C.F.R. §1.132 and
- (5) Exhibits A to G.

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(Certification of Facsimile Transmission--page 1)

07-11-06

10:35am

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,409	03/12/2001	Timothy J. Kieffer	029996/0278721	1113
7590	06/30/2006		EXAMINER	
Pillsbury Withrop LLP Intellectual Property Group 50 Fremont Street San Francisco, CA 94105			ART UNIT	PAPER NUMBER

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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PILLSBURY WINTHROP SHAW PITTMAN

JUL 07 2006

CL _____
ATTY(S) _____
DUE _____
OKT BY(1) _____ (2) _____

PTO-90C (Rev. 10/03)

Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

09/804,409

Applicant(s)

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Examiner

Art Unit

JUL 11 2006

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

The amendment document filed on 6-26-06 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present. *Claim 37 missing*
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other _____
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

- Applicant is given no new time period if the non-compliant amendment is an after-final amendment, an amendment filed after allowance, or a drawing submission (only). If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the entire corrected amendment must be resubmitted.
- Applicant is given one month, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1. to 4. are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Caroline Botancourt
Legal Instruments Examiner (LIE), if applicable

571272-0509
Telephone No.